

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DAVID DAVIS,

Plaintiff,

vs.

PHENIX CITY, ALABAMA, et al.

Defendants.

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CIVIL ACTION NO. 3:06-cv-00544-VPM

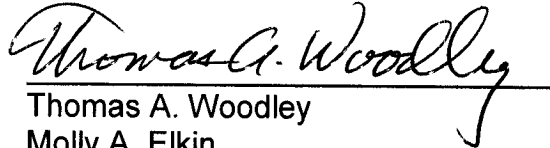
**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE  
TO FILE AN AMENDED MEMORANDUM OF  
POINTS AND AUTHORITIES IN SUPPORT OF  
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

In this Court's Order entered on April 25, 2007, it directed that depositions to be considered on the issues of summary judgment should designate the parts of the deposition transcripts "by page and line numbers". While the Plaintiffs' Memorandum of Points and Authorities in Support of Plaintiff's Motion for Summary Judgment, filed on April 25, 2007, referenced the pages of the depositions, it did not reference the lines.

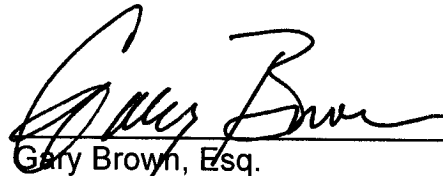
Attached hereto is plaintiff's modified Memorandum of Points and Authorities containing both the deposition page and line numbers, consistent with this Court's April 25, 2007 Order. Counsel for the defendants has indicated that he has no objection to the granting of this motion for leave to file this amended Memorandum of Points and Authorities.

Accordingly, plaintiff respectfully requests that the instant motion be granted.

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas A. Woodley", written over a horizontal line.

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A handwritten signature in cursive script, reading "Gary Brown", written over a horizontal line.

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Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th of May 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Joshua Robert McKoon  
McKoon, Thomas & McKoon  
925 Broad Street  
P.O. Box 3220  
Phenix City, AL 36868

s:/ Gary L. Brown  
\_\_\_\_\_  
Of Counsel

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
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DAVID DAVIS,

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## ORDER

Upon consideration of Plaintiff's Unopposed Motion for Leave to File an Amended Memorandum of Points and Authorities in Support of Plaintiff's Motion for Partial Summary Judgment, it is this \_\_\_\_\_ day of May, 2007 hereby

ORDERED that such motion is granted.

W. HAROLD ALBRITTON  
Senior United States District Judge